

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil No. 1:22-CV-00197-DSC

HARVEY WILLIAM VAN CLEAVE III,)

Plaintiff,)

v.)

KILOLO KIJAKAZI,)

Acting Commissioner of Social)

Security,)

Defendant.)

ORDER

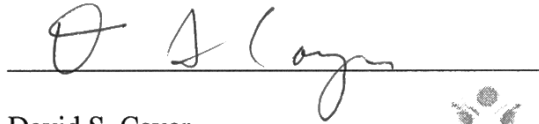
THIS MATTER comes before the Court on Plaintiff's Consent Motion for Attorney Fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, (Doc. No. 15), and supporting exhibits. Plaintiff represents that Defendant has consented to this Motion and has not objected to the requested fees and the time for doing so has expired. (Id.). Having reviewed the Motion, supporting exhibits, and the case file, the Court determines that Plaintiff should be awarded attorney fees under EAJA in the amount of \$3,350.00.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Attorney Fees, (Doc. No. 15) is GRANTED. The Court will award attorney fees in the amount of \$3,350.00, and pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Acting Commissioner will determine whether Plaintiff owes a debt to the United States. If so, that debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to his counsel. If the United States Department of the Treasury reports to the Acting Commissioner that the Plaintiff does not owe any debt, the Government will exercise its discretion and honor an assignment of EAJA fees, and pay those fees

directly to Plaintiff's counsel, Aaron L. Dalton, Chad Brown Law, P.O. Box 786, Statesville, North Carolina 28687. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: March 2, 2023

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

